

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN'S DECISION TO ISSUE A PUBLIC REPORT

Cabinet Member(s)	Councillor Jonathan Bianco
Cabinet Portfolio(s)	Cabinet Member for Finance, Property and Business Services
Officer Contact(s)	Paul Whaymand, Corporate Director of Finance
Papers with report	Appendix 1 - Local Government and Social Care Ombudsman Public Report
NOT FOR PUBLICATION This report contains confidential or exempt information	This item is included in Part II as it contains information which is likely to reveal the identity of an individual and the public interest in withholding the information outweighs the public interest in disclosing it (exempt information under paragraph 2 of Part 1 of Schedule 12A to the Local Government [Access to Information] Act 1985 as amended).

HEADLINES

Summary	A housing benefit claimant complained to the Local Government and Social Care Ombudsman (LGO) regarding the way in which her housing benefit claim was handled. The LGO found against the Council and one of the requirements was for the Cabinet to consider their report within 3 months.
Putting our Residents First	This report supports the following Council objectives of: <i>Our People</i>
Financial Cost	The £1,000 compensation payment to the complainant will be met from existing service area budgets.
Relevant Policy Overview Committee	Social Care, Housing and Public Health
Relevant Ward(s)	All Wards

RECOMMENDATIONS

That the Cabinet:

- 1) Agrees the recommendations contained within the report of the Ombudsman set out in Appendix 1, namely that the Council:**
 - a. apologise to the complainant for not considering and providing what reasonable adjustments she needed, not dealing with information she provided, not dealing properly with her appeal, failing to deal with a request for a statement of reasons, not providing information she asked for and asking her repeatedly for information she did not need to provide;**
 - b. pay the complainant £1,000 for the distress, time and trouble these faults caused her;**
 - c. put details of its policies for using the Restricted Persons Register on its website and put its policy for dealing with unreasonably persistent complainants on its complaints page; and**
 - d. provide an equality refresher course for all frontline staff.**

- 2) Agrees to release this report and Appendix 1 into the public domain, as per the requirements of the Ombudsman's embargo as set out in this report.**

Reasons for recommendation

To accept the recommendations in the report of the Local Government and Social Care Ombudsman.

Alternative options considered / risk management

The Council could decide not to follow the recommendations of the Local Government and Social Care Ombudsman (LGO). This is not considered to be a viable option, however, as the LGO has found fault on the part of the Council in a number of respects of the Benefit Service. Therefore, there is an opportunity to improve practices and procedures to minimise the potential for future complaints against the Council to be upheld.

Policy Overview Committee comments

None at this stage.

Supporting information

By way of context, the Benefits Service considers around 17,000 claims per annum, with a gross value of £139 million. Given the large volume of claims that the Benefit Service is required to administer and the complex nature of many claims, this inevitably results in some complaints each year. In the last financial year, the Council recorded 69 complaints relating to the Benefit Service of which only 6 escalated to Stage 2 of the Council's Corporate Complaints Procedure and 1 complaint progressed to the LGO. The Benefit Service has an excellent record with the LGO, with

no other Benefit Service complaint being upheld by the LGO in the past two years. In this case, however, the LGO found fault against the Council and the Council accepts that the service offered to the claimant was below what she should have received. The Council acknowledges that there are some lessons to be learned from this case and accepts the recommendations made by the LGO.

In summary terms, the details of the case are as follows. A housing benefit claimant informed the Council of her change of circumstances and at that point, her housing benefit claim should have been suspended. Unfortunately, this was not done and it resulted in the claimant receiving further payments of benefit to which she was not entitled. When the Council became aware of this, the claimant was sent an apology for what had happened, informing her of the amount overpaid and that housing benefit regulations states that where a claimant has been overpaid (even as a result of an error) the Council is obliged to recover this sum. The claimant appealed this decision to the Tribunal Service who upheld the Council's decision and on 11 January 2018 and required the complainant to repay the Council £968.74. The full report is attached at Appendix 1.

The LGO's review found fault in the way the Council dealt with this case and made a number of recommendations which are set out in the recommendation section of this report.

In terms of the recommendations made by the LGO, the Council has so far:

- drafted a letter of apology;
- put details of the policies for using the Restricted Persons Register and unreasonably persistent complainants on the complaints page; and
- provided equality training as part of the induction process and face-to-face courses for managers and is in the process of designing an online course for all frontline staff.

The LGO will publish this report on their website on 28 June 2019 and it is embargoed until then. The Council is then required to place two public notices in two local newspapers within two weeks of 28 June 2019.

Financial Implications

The Council has agreed to pay the complainant £1,000 in compensation and this will be met from the existing Benefits Service Budget.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concurs with the financial implications set out above.

Legal

The Borough Solicitor confirms that by agreeing the recommendations in the report the Council will comply with its duty under section 30 of the Local Government Act 1974 to publicise the Ombudsman's decision.

BACKGROUND PAPERS

Nil